

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

COBY L. MCCONNELL §
VS. § CIVIL ACTION NO. 1:04cv676
UNITED STATES OF AMERICA §

MEMORANDUM OPINION

Coby L. McConnell, proceeding *pro se*, filed the above-styled motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255.

Movant has filed a motion asking that his motion to vacate be dismissed. The court is of the opinion it would be in the interests of justice to grant the motion and dismiss this proceeding without prejudice pursuant to Federal Rule of Civil Procedure 41(a).

ORDER

It is therefore **ORDERED** that the motion to dismiss filed by movant is **GRANTED**. A final judgment shall be entered in accordance with this memorandum opinion.

SIGNED this 16 day of December, 2004.

Richard A. Schell
RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE